

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MELISSA DRAKE, MADELYN DeJUSTO,  
and DOUGLAS A. SPRINGSTEAD,

Plaintiffs,

v.

BRIANNA SCOTT,

Defendant.

CASE NO. 1:10-CV-185

HON. ROBERT J. JONKER

**ORDER**

The Court declines to accept the parties' proposed order of stay. The bankruptcy filing of a plaintiff asserting an affirmative claim for relief does not trigger an automatic stay under the Bankruptcy Code. Nor does it justify a stay in the discretion of the Court, especially where two named Plaintiffs and the Defendant all remain outside of bankruptcy. Moreover, even Plaintiff Drake, who is now in bankruptcy, will need some realistic assessment of the value of her claim, which is presumably an asset of the bankruptcy estate. The case can and should move forward on a reasonable case schedule. The parties' request for a stay is **DENIED**.

Dated: September 8, 2010

/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE